

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JIMMY LUCERO,

Plaintiff,

v.

Case 1:20-cv-00311-JB-JHR

JEMEZ MOUNTAINS ELECTRIC COOPERATIVE INC.,  
BOARD OF DIRECTORS FOR JEMEZ MOUNTAINS ELECTRIC  
COOPERATIVE INC., in their official and personal capacity,  
DONNA MONTOYA TRUJILLO, in her official and personal capacity,  
DWIGHT HERRERA, in his official and personal capacity,  
ALFONSO MARTINEZ, JR., in his official and personal capacity,  
RANDY VIGIL, in his official and personal capacity, and  
CARLOS SALAZAR, in his official and personal capacity,

Defendants.

**ATTORNEY AFFIDAVIT**

I, Marlo Aragon, hereby state I reviewed the Defendant Jemez Mountain Electric Cooperative's *Motion to Compel* and *Reply to Response to Motion to Compel* and submit the following as true and accurate information related to such pleadings:

1. On August 5, 2020, I caused a large box containing Petitioner's discovery answers and documents Defendant JMEC asked Petitioner to produce to be mailed to the Defendant's counsel, Lorna Wiggins.
2. I could not locate the tracking number of the box sent, however did locate the receipt provided indicating the date of mailing which was provided to Ms. Wiggins office for review.
3. Fed Ex could not track the package without the tracking number, but I was told it could have been misdirected anywhere, including Nevada.
4. The damaged box of discovery was subsequently returned to me at the following address: 5902 Torreon Dr. NE, Albuquerque, NM 87109.
5. Any reference to the USPS was an inadvertent and honest mistake as Ms. Salcedo did not cause the discovery to be sent, but I did.
6. The discovery was repackaged as the original box was significantly damaged and discarded.

7. I included in the repackaged box a USB drive that had recordings on it and labeled the USB drive "supplement" as it was not included with the original documents sent on August 5, 2020.
8. A hearing was held on August 25, 2020 on other matters, however, the Defendant JMEC's *Motion to Compel* was brought up during this time and the misdirected discovery was explained to the Honorable Judge James O. Browning who then instructed Petitioner's counsel to submit the discovery to Ms. Wiggins by the end of the week.
9. I personally delivered the re-packaged box that included the original discovery answers and documents produced and included the supplemental usb drive to Ms Wiggins' law office on August 26, 2020.
10. Petitioner in good faith has responded and provided disclosures to Defendant JMEC's initial discovery requests.

I so swear and affirm on this 16 day of September 2020.



Marlo Aragon